

**RED HILL AOC  
EPA AND DOH MEETING**  
October 7, 2021

11am to 12pm, HST

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## **I. Objective**

In this brief check-in meeting, continue discussions aimed at ultimate regulatory alignment by taking up a series of questions.

## **II. Agenda**

1. Highest and best use of the October 18 meeting with the Navy/DLA.
  - a. Agenda topics for Oct 18 include: May 6<sup>th</sup>, Secondary Containment, FTA
2. A list of what both agencies jointly agree they would want from the NAVY/DLA under the current AOC. (*Gabriela and Lene to offer a draft list.*)
3. A jointly agreed upon list of specific proposed amendments to the AOC and/or AOC SOW should the Navy agree to a reopening.
4. Identify specific areas where EPA and DOH are aligned and where further discussions are needed.

## **NOTES**

In attendance: Peter, Jonna, Nicole, Rebekah, Gabriela, Jeff, Roxanne, Kathy, Lene, Wade

- Upcoming with Navy on October 18th
  - Consensus on TUA document or other things
  - FTAC discussion
  - Topics we are all interested in the Navy doing - stick with that stuff.
  - Spend meeting talking about the FTAC - covering the things that have been asked. Be ready to say something about the TUA supplement in our overarching thoughts.
  - Obligation to say something about what we are thinking right now.
  - Thinking about other parts of the facility and addressing those.
  - Additional conversations related to the FTAC agenda and topics.
  - General position on TUA supplement.
  - Talking points depend on what we resolve today.
- Alignment question
  - Approval with conditions, disapproval with conditions or a non-response at this moment and conveying response.
  - DOH - regulatory legal background. Paragraph 7. If this document is going to have any credibility. Haven't answered the question of BAPT. If the AOC will have any credibility. Have to reject it. And let the balls fall where they may. They can impart the dispute resolution. And we look at paragraph G. There is a provision for penalties. Throwing the AOC out. Approaching them. Let's open this up and talk about secondary containment. And address secondary

- containment. If that is the consensus of this group. Let's figure out how to get secondary containment with enforceable deadlines.
  - Disapproval - add on conditions that would outline what is required for approval. Stipulated penalties.
  - Focus on the content of what we want and then the mechanism or process for how we get it. Can we talk about and agree on what it is that we want. If we have a consensus of what we want. 6 different options. For me the question is, can we hone in on what we think is needed. And then worry about which way to play it.
  - Not ready to approve or disapprove, here are the specific issues we need resolved before we can make the decision.
  - If we aren't clear about what we want, we are going to keep not getting it.
  - Can't approve any analysis as it is currently described in the AOC. Confined by the language in the AOC.
  - Walk through the key items that we think the Navy should focus on and put resources to. We will have a fair amount of agreement on it.
- List developed based on comments received at the last meeting.
  - Took list, and put it in different sections of the AOC. Not intended to say that the list is

### **What do we want from the Navy?**

1. Project Management:
  - a. Open dialog with true commitment to the goals of the project.
  - b. Want progress; there has been no movement in a long time.
  - c. Example: EPA's overview slide for Day 1 of the GWMWG reiterates primary concerns the Regulatory Agencies have and references the infamous Top Ten that was issued in 2018. Three years later, we still have the same concerns on their CSM and model.
  - d. For some tasks, want direct consequence if action not completed sooner (some easier to do than others).
  - e. Notes:
    - i. EPA/DOH agree:
    - ii. Available Under AOC: A, B yest available. D, no
    - iii. October 18 to raise:
2. Section 2, TIRM: AOC completion, essentially done.
  - a. Meet inspection schedule of 20 years. Note that API 653 specifies 10-year inspection cycle, however, Navy certified inspector is certifying for 20 years. Catch up with outstanding inspections, do not use tanks if exceeds 20 years?
  - b. Include decommissioning smaller nozzles. This is not specifically listed in TIRM approved in 2017, but Navy is doing it now. Not enforceable.
  - c. Expand to other infrastructure, such as piping, tunnel, pump system, etc.
  - d. Require review and update every 5 years, or as needed as lessons are learned from release events or other studies or findings (i.e., from new section 8, risk assessment). Currently, only findings from TUA and corrosion can update the TIRM. Per Navy, doing this on their own. We don't see, and not enforced.

- e. Notes:
    - i. EPA/DOH agree:
    - ii. Available Under AOC: consequence to not use tanks over 20 years since CIR not currently in AOC. Stipulated penalties are available.
    - iii. October 18 to raise: Navy not sticking to schedule. Considering whether to take tanks out of service that have not gone through CIR in 20 years
  - f.
3. Section 3, Tank Upgrade: AOC, not done
- a. New secondary containment by specified date
  - b. Specify milestones for design: (Dates generally follow what Navy provided us verbally, except the 2037 date. They proposed 2045)
    - i. 2021: Submit to regulatory agencies, initial evaluations of new secondary containment system (feasibility study), which shall comply with HAR 11-280.1.
    - ii. 2023: Submit design and specifications of new secondary containment system and demonstration to the regulatory agencies that the proposed design and proposed operation complies with HAR 11-280.1.
    - iii. 2024: Complete pilot of new secondary containment system.
    - iv. 2025: Submit evaluation of performance of new secondary containment system and schedule for further evaluation or implementation.
    - v. July 15, 2037: For tanks where new secondary containment system not in operation, they shall be defueled. Follow same language in AOC.
    - vi. Allow for same 5-year extension as currently specified in AOC.
  - c. Specify milestones for defueling: (Dates are total guess and place holders. When asked Navy, some say that they started this plan, others said not and will look if pilot doesn't work)
    - i. 2022: Submit alternative fuel storage locations. Identify need for land acquisition, design, construction, permitting, and associated schedule for project execution and completion.
    - ii. Implement schedule based on schedule provided for project execution and completion.
    - iii. July 15, 2037: Defuel RHBFSF
  - d. No longer need to do five-year TUA evaluations.
  - e. May continue operation of existing tanks with approved TIRM, TIRM schedule, meeting inspection schedule.
  - f. Notes:
    - i. EPA/DOH agree?
      - 1. Do EPA and DOH agree that we want secondary containment to be enforceable? DOH yes, EPA okay
      - 2. If so, does the 5 year BAPT cycle make sense? (keep in pocket)
      - 3. Is there another option between 1A and secondary containment?
      - 4. Defueling? (
    - ii. Available Under AOC:

1. secondary containment enforceable? Have to select it as BAPT to hold Navy to it. Approve with condition that Navy implement secondary containment. Approve 1A upon condition secondary containment by 2045, could not enforce installation of secondary containment or force a shut down. Only resort is stipulated penalties for failure to comply with a condition (\$10K/week)
  - iii. October 18 to raise: Milestones for secondary containment.
    1. Do we tell Navy that RAs want secondary containment to be enforceable?
    2. RAs inclined not to accept TUA proposal as is. Provide specific items from the list.
4. Sections 4, Release Detection and Release Response: AOC almost done
  - a. Implement new release detection in current tanks (can approve under current Section 4)
  - b. Update and improve release response actions/procedures, including proper notification and information disclosure, pre-establishing environmental testing protocols. Evaluate various potential release scenarios, including full release to tunnel.
  - c. Implement audits and exercises
  - d. Ensure adequate ullage for release response actions and TIRM
5. Section 5, Corrosion (AOC, not done)
  - a. 5.4: Results of study to improve NDE, and structural integrity of the concrete structure. Will still need this for maintenance of current system.
  - b. Phil's statement that they are doing work that will not help with decision making. Most of the UH studies will not but the Navy entered into those agreements without consulting with us. We don't have true work plans for any of the work being done, and we understand that work has already started, so we do not have a clear understanding of what is being done and whether the work will answer our principal study questions. If the issue is that we are asking the right questions, but we don't know if the work will answer the questions and the work has already started, then we put the Navy on notice. If the issue is that he has additional questions, then we need to figure out how/when to ask those questions.
6. Section 6, IRR (AOC, not done)
  - a. Add water treatment as contingency measure.
    - i. Agencies agree that RHS is at risk of being impacted from a release.
    - ii. Agencies do not agree with capture zone concept based on available data, thus cannot be accepted as a release response remedy
    - iii. Navy is responsible for providing clean drinking water to their customers.
    - iv. If a release occurs, the impact to drinking water can be quick, not allowing the Navy time to put in a back up system to ensure that water is clean prior to distribution.
  - b. Generally same as current

7. Section 7, GWFM, CFT, and Update of GPP (AOC, not done)
  - a. Generally same as current?
  - b. Navy pay a panel of SMEs who have a year to come up with a model to answer PSQs on movement under the facility.
  
8. Section 8, Risk Evaluation (AOC, not done)
  - a. Screening level assessment for all infrastructure Evaluation and Assurance of Integrity of Non-Tank Features
    - i. Pipelines
    - ii. Nozzles
    - iii. Tunnel (May 6 release identified that there may be some coating issues within tunnel that may not keep fuel within the system.)